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7 RAMON SAPP,
8 Petitioner,
9 v.
10 J. SOTO, Acting Warden,
11 Respondent.

Case No. 13-cv-03008-YGR (PR)

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**ORDER DENYING PETITIONER'S
MOTION UNDER FEDERAL RULE OF
CIVIL PROCEDURE 60(B)**

24 The Court previously granted Respondent's motion to dismiss Petitioner's habeas petition
25 as untimely and declined to issue a certificate of appealability. Dkt. 17. Petitioner filed a notice
26 of appeal, but the Ninth Circuit denied his request for a certificate of appealability, effectively
27 terminating his appeal and concluding this action. Dkt. 22. Thereafter, Petitioner filed his
28 "Motion for Relief from Order Granting Respondent's Motion to Dismiss Petition as Untimely;
and Denying Certificate of Appealability, Pursuant to Federal Rules of Civil Procedure, Rule
60(b)(1)-(6)," which the Court construes as a motion for reconsideration under Federal Rule of
Civil Procedure 60(b). Dkt. 23. However, in view of the Ninth Circuit's decision not to issue a
certificate of appealability, no further action is appropriate. To the extent Petitioner's motion
attempts to raise new grounds for habeas relief, it is tantamount to an unauthorized second or
successive habeas petition over which this Court lacks jurisdiction. Accordingly, Petitioner's Rule
60(b) motion is DENIED.

24 This Order terminates Docket No. 23.

25 IT IS SO ORDERED.

26 Dated: September 6, 2016

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YVONNE GONZALEZ ROGERS
United States District Judge